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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,914	06/29/2000	Chingwei Peter Cheng	ORCL5638	2945

22430 7590 11/24/2003

YOUNG LAW FIRM  
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4370 ALPINE ROAD SUITE 106  
PORTOLA VALLEY, CA 94028

EXAMINER
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SHAFFER, ERIC T

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/607,914

Applicant(s)

CHENG ET AL.

Examiner

Eric T. Shaffer

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1 - 42.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Applicant argues that Healy does not categorize individual customers. However the applicant's claims prior to the current amendment did not specifically recite individual customers, but merely cited a customer. Furthermore, Healy teaches a population as "the number of persons between ages 40 and 50" (column 6, lines 32 - 33) which demonstrates that data on a given population group is made up of individual data elements on individual persons.

Applicant argues that the Healy propensity-to-buy rating is not a likelihood or probability that a customer will buy. However, Healy teaches that "for each category of each market factor, the profiles and ratings data includes a propensity-to-buy rating. For example, a propensity-to-buy rating would be assigned to the population that is 40 - 50 years old. This could be a value on a scale of 1 to 100 or any other scale." (column 6, lines 12 - 16). The propensity-to-buy value on a scale of 1 to 100 is a percentage chance or probability that an average of the individual members in a specific age group or other similar demographic will purchase a specific product. Since marketing is an activity in which a business engages in so as to convince a prospective buyer to purchase a product, the propensity-to-buy is a strong indicator of how likely a person in a particular group is to purchase and therefore an measure of whether said person is a good prospect for marketing.

Applicant argues that the Healy forecast and growth rates are not sufficiently related to the claimed "lifecycle factor". However, the life cycle factor is a multiplicative product of the size and growth rate of the customer, both of which are taught by the Healy reference.

Applicant argues that Healy's teaching of geography, market segments and demographics are related to groups and not related to individual customers. However, demographics are a way to describe individual persons that are members of demographic groups. Individual people are classified and categorized into said demographic groups based on their own individual demographic characteristics, such as age, income, geographic region in which they live. Individual customers who share a similar set of characteristics do in fact make up demographic groups.

Applicant argues that the Healy product life cycle does not provide a means for categorizing individual customers. However the applicant's claims prior to the current amendment did not specifically recite individual customers, but merely cited a customer. Healy does teach several demographic such as age, geographic location and income that are typical demographic attributes that are commonly used to categorize customers.